

**ZONING MAP CHANGE REPORT**

**Meeting Date: August 1, 2011**

Table A. Summary			
Application Summary			
Case Number	Z1100008	Jurisdiction	City
Applicant	Patrick Byker, K&L Gates	Submittal Date	March 14, 2011
Reference Name	Volunteers of America	Site Acreage	0.78 Acres
Location	3020 South Miami Boulevard, on the northwest corner of the intersection of South Miami Boulevard and T.W. Alexander Drive		
PIN(s)	0749-04-51-2693 (partial)		
Request			
Proposed Zoning	Commercial Neighborhood (CN)	Proposal	None specified
Site Characteristics			
Development Tier	Suburban		
Land Use Designation	Commercial		
Existing Zoning	Residential Rural (RR)		
Existing Use	Office		
Overlay	N/A	Drainage Basin	Lower Neuse
River Basin	Neuse	Stream Basin	Stirrup Iron Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinance.		
Planning Commission	Approval, 12 – 0 on May 10, 2011. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing, and the information in the staff report.		
DOST	None provided		
BPAC	None provided		

**A. Summary**

This is a request to change the zoning designation of 0.78 acres of a 2.86-acre parcel from RR to CN, thus designating the entirety of this currently split-zoned parcel as CN. The subject property is located at 3020 South Miami Boulevard, on the northwest corner of

the intersection of South Miami Boulevard and T.W. Alexander Drive (see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan* which designates this parcel as Commercial. Appendix A provides supporting information.

## **B. Site History**

A site plan (Case #D1000159) was approved in September 2010 to co-locate a Wireless Communication Facility (WCF) on an existing WCF and for a new equipment shed on the RR-zoned portion of the parcel.

The WCF and parking were existing uses prior to the implementation of the UDO in 2006. The UDO allows WCFs in the RR district with a minor special use permit.

A site plan (Case #D1000292) to refurbish and add space to the existing office building and realign parking has been submitted and is currently in process. This zoning map change request is required to remove the split-zoning on the parcel so that the applicant can utilize the entire site to meet UDO requirements for parking.

Approval of this request to CN would create a legal nonconforming use for the WCF but would make the existing parking a legal use.

## **C. Review Requirements**

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

## **D. Unified Development Ordinance (UDO) Compliance**

This request is consistent with the requirements of the Unified Development Ordinance. There is no development plan associated with this request. As such, there are no voluntary limitations imposed to the requested CN zoning district.

Appendix D provides supporting information.

**Determination.** The request is consistent with the requirements of the Unified Development Ordinance. The CN district is intended to provide retail support for surrounding residential uses. Although there are no neighborhoods in close proximity to this site, CN is supportable given that it allows similar intensity as presently developed and

limits project floor area to 20,000 square feet; thus mitigating more intense traffic generating uses at this well-traveled intersection.

Approval of this request would remove a split-zoned parcel thereby allowing the existing parking use to conform with the present standards and allow future redevelopment of this site to utilize the entire parcel. However, the WCF (see Section B, Site History) will become a non-conforming use and will have limited ability to be improved or modified (reference UDO Sec. 14.1.3, Continuation of Nonconformities).

## E. Adopted Plans

A zoning map change request shall be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

**Determination.** The requested zoning district and associated development plan are consistent with Future Land Use Map as well as other applicable policies of the *Durham Comprehensive Plan*.

## F. Site Conditions and Context

**Site Conditions.** This site is presently developed as parking for the already-zoned CN portion of the parcel and contains approximately 2,500 square feet used as a WCF and equipment shed, which is fenced. There is minimal pervious area (grass) around the perimeter of the site, averaging 10 feet, and minimal slope (eight feet) from the rear to the front of the site.

**Area Characteristics.** This site is in the Suburban Tier and part of a 2.86-acre parcel that has been developed as an office. Both roads at this intersection (South Miami Boulevard and T. W. Alexander Drive) are well-traveled routes for commuters. The surrounding area is largely comprised of various types of non-residential uses. However, there is one single-family residence adjacent to the north of the subject site.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

**Determination.** The proposed CN district meets the ordinance and policy requirements in relation to site and context and is a reasonable request given the surrounding uses. If this request was approved and the site redeveloped, the UDO would require a 0.2 opacity buffer to the west; and all other relevant standards including Vehicle Use Area landscaping. This could potentially reduce the impervious surface on the site.

## G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the

impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

**Determination.** The proposed CN district is consistent with *Comprehensive Plan* policies regarding infrastructure impacts.

## H. Staff Analysis

Staff has determined that this request is consistent with the *Comprehensive Plan* and other adopted policies and ordinances. Approval would remove the split zoning on the parcel thereby removing the existing nonconforming parking use. However, the WCF would become nonconforming.

## I. Contacts

Table I. Contacts		
<b>Staff Contact</b>		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
<b>Applicant Contact</b>		
Patrick Byker, K&L Gates	Ph: 919-466-1264	Patrick.byker@klgates.com

## J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Center of the Region Enterprise (CORE) – Town of Morrisville
- Center of the Region Enterprise (CORE) – City of Raleigh
- Center of the Region Enterprise (CORE) – Wake County
- Center of the Region Enterprise (CORE) – Town of Cary
- Inter-Neighborhood Council
- Northeast Creek StreamWatch,
- Partners Against Crime – District 4
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

## K. Summary of Planning Commission Meeting May 10, 2011 (Case Z1100008)

**Zoning Map Change Request:** RR to CN

**Staff Report:** Ms. Wolff presented the report.

**Public Hearing:** Chair Brown opened the public hearing. A representative for the applicant spoke in support. No one spoke in opposition. Chair Brown closed the Public Hearing.

**Commission Discussion:** None.

**Motion:** Recommend Approval (Mr. Brine, Mr. Monds 2<sup>nd</sup>)

**Action:** Motion carried, 12-0.

**Findings:** The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing, and the information in the staff report.

## L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Application 5. Owner's Acknowledgement 6. Submittal and Review History
Appendix B	Site History	n/a
Appendix C	Review Requirements	n/a
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts

Appendix H	Staff Analysis	n/a
Appendix I	Contacts	n/a
Appendix J	Notification	n/a
Appendix K	Summary of Planning Commission Meeting	Attachments: 7. Planning Commissioner's Written Comments 8. Ordinance Form

## Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Application
5. Owner's Acknowledgement
6. Submittal and Review History

## Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
<b>CN</b>	<b>Commercial Neighborhood:</b> the CN district is established to provide for modest-scale commercial centers in close proximity to residential areas that offer limited commercial uses to satisfy the needs of the surrounding neighborhood; each lot is limited to 20,000 square feet of project floor area. While CN is a commercial district, other uses such as residential and office may also be allowed.

Table D2. District Requirements - CN			
	Code Provision	Required	Proposed
<b>Minimum Site Area (square feet)</b>	6.10.1.B	5,000	124,581*
<b>Minimum Lot Width (feet)</b>	6.10.1.B	50	315*

\*The minimums calculation represents the parcel, which is larger than the area being rezoned.

## Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Commercial
2.2.5a	Demand for Commercial Land
2.2.5b	Spacing of Commercial Development
2.2.5c	Strip Commercial Development
8.1.2m	Transportation Level of Service
9.4.1a, b	Water Quantity and Quality Level of Service
11.1.1a	School Level of Service

## Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Single-family residential, manufacturing, vacant	CN, IP	n/a
East	Shopping center	CC	n/a
South	Vacant	CN, IL	n/a
West	Manufacturing	IP	n/a

## Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
South Miami Boulevard and T.W. Alexander Drive are the major roads impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area.		
Affected Segments	South Miami Boulevard	T.W. Alexander Drive
Current Roadway Capacity (LOS D) (AADT)	34,900	36,700
Latest Traffic Volume (AADT)	23,000	26,000
Traffic Generated by Present Designation (average 24 hour)*	10	

<b>Traffic Generated by Proposed Designation (average 24 hour)**</b>	1,240
<b>Impact of Proposed Designation</b>	+1,230

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2009)

S. Miami Boulevard: 4-lane undivided class I arterial with left-turn lanes

T.W. Alexander Drive: 4-lane divided class I arterial with left-turn lanes

Source of Latest Traffic Volume: 2009 NCDOT Traffic Count Map

**\*Assumption-** (Max Use of Existing Zoning) –RR: 1 single-family home.

**\*\* Assumption-** (Max Use of Proposed Zoning) – CN: 2,500 sq.ft. fast-food restaurant with a drive-thru.

**Table G2. Transit Impacts**

Transit service is currently provided adjacent to the site along South Miami Boulevard via DATA Route #15.

**Table G3. Utility Impacts**

This site is served by City water and sewer.

**Table G4. Drainage/Stormwater Impacts**

The impacts of any change will be assessed at the time of site plan review.



<b>Table G5. School Impacts</b>			
The proposed zoning is estimated to generate one student. This represents an increase of one student over the existing zoning. Durham Public Schools serving the site are Bethesda Elementary School, Lowes Grove Middle School, and Hillside High School.			
<b>Students</b>	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
<b>Current Building Capacity</b>	15,972	8,523	9,971
<b>Maximum Building Capacity (110% of Building Capacity)</b>	17,569	9,375	10,968
<b>20<sup>th</sup> Day Attendance (2009-10 School Year)</b>	16,027	6,723	9,639
<b>Committed to Date (April 2008 – March 2011)</b>	409	133	85
<b>Available Capacity</b>	1,022	2,656	1,222
<b>Potential Students Generated – Current Zoning*</b>	0	0	0
<b>Potential Students Generated – Proposed Zoning**</b>	1	0	0
<b>Impact of Proposed Zoning</b>	+1	0	0

\*Assumption- (Max Use of Existing Zoning) –RR: 1 single-family home

\*\* Assumption- (Max Use of Proposed Zoning) – CN: 6 apartments

Table G6. Water Supply Impacts	
This site is not estimated to generate a total of 312 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 157 GPD increase over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	20.19 MGD
Approved Zoning Map Changes (April 2008 –March 2011)	1.45 MGD
Available Capacity	15.36 MGD
Estimated Water Demand Under Present Zoning*	155 GPD
Potential Water Demand Under Proposed Zoning**	312 GPD
Potential Impact of Zoning Map Change	+157 GPD

Notes: MGD = Million gallons per day

\*Assumption- (Max Use of Existing Zoning) –RR: 1 single-family home.

\*\* Assumption- (Max Use of Proposed Zoning) – CN: 2,500 sq.ft. fast-food restaurant with a drive-thru.

## Appendix K: Summary of Planning Commission Meeting Supporting Information

### Attachments

7. Planning Commissioner's Written Comments
8. Ordinance Form